In the Office Action, the Examiner takes the position that "about 0.94 grams/cubic centimeter," as disclosed in Lee, encompasses values "greater than 0.94" as claimed. Lee is thus said to anticipate the claimed density range.

In response, Applicants note that MPEP §2131.03 provides that, with respect to prior art ranges that overlap or touch a claimed range, "[i]n order to anticipate the claims, the claimed subject matter must be disclosed in the reference with 'sufficient specificity to constitute an anticipation under the statute.'" Claims 1 and 8 have, accordingly, been amended to specify that the density of the ethylene polymer ranges "from 0.941 to 0.952 grams/cubic centimeter (emphasis added)." Support for the amendment may be found in the specification at page 5, lines 7-20. While Lee's disclosure of "about 0.94 grams/cubic centimeter" may arguably be sufficiently specific to constitute an anticipation of "greater than 0.94," Applicants submit that Lee's disclosure is insufficiently specific to anticipate the more precise density range of "0.941 to 0.952" as now recited in claims 1 and 8.

Accordingly, withdrawal of the rejection under §102(e) is respectfully requested for claims 1-6 and 8-14.

New claim 18 has been added to recite a higher density range of "0.95 to 0.97 grams/cubic centimeter." Support for the new claim is found in claim 1 and in the specification at page 5, lines 7-20. Applicants submit that the recited density range in claim 18 is clearly outside of, and therefore not anticipated by, the density range disclosed in Lee.

Also in the Office Action, the recitation in claim 16 that the melt index of the ethylene polymer is "**about** 23 to about 69 g/10 minutes" (emphasis added) is stated to be anticipated by Lee's teaching of copolymers having melt indices higher than 20 g/10 min. In response, claim 16 has been amended to recite a more precise melt index range of

"23 to 69 g/10 minutes." Under MPEP §2131.03, Lee's preference for melt indices greater than 20 g/10 min. is submitted to lack sufficient specificity to anticipate this more precisely recited melt index range. Accordingly, withdrawal of the rejection under §102(e) is respectfully requested for claims 16-17.

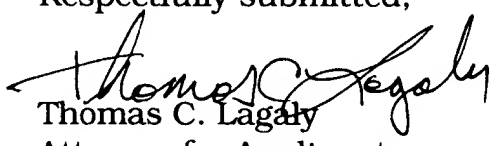
Double Patenting

Claims 1-6 and 8-14 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 5-10 and 12-15 of U.S. Pat. No. 6,096,793 (Lee) in view of Hurley et al (U.S. Pat. No. 5,844,009).

In response, Applicants submit herewith a terminal disclaimer, which is submitted to overcome the double patenting rejection. Accordingly, Applicants respectfully request that the rejection be withdrawn.

For all of the foregoing reasons, Applicants submit that the claims as now presented are patentably distinct from the references of record and are, therefore, in condition for allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,



Thomas C. Lagaly
Attorney for Applicants
Registration No. 34,652

Sealed Air Corporation
P.O. Box 464
Duncan, SC 29334
(864) 433-2333

MAY 15, 2002
Date

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 1, 8, and 16 have been amended to read as follows:

1. (Amended Three Times) A foam having a density ranging from about 10 to about 160 kg/m^3 and produced from a physical blowing agent, comprising a blend of an aging modifier selected from at least one fatty acid ester, fatty acid amide, or hydroxyl amide, a low density polyethylene, and an ethylene polymer having a density ranging from [greater than 0.94 to about 0.97] 0.941 to 0.952 grams/cubic centimeter and a melt flow index of greater than 10 g/10 minutes, said ethylene polymer comprising at least one member selected from ethylene/alpha-olefin copolymer, ethylene homopolymer, and blends thereof.

8. (Amended Three Times) A method of making a foam, comprising:

a. blending an aging modifier selected from at least one fatty acid ester, fatty acid amide, or hydroxyl amide, a low density polyethylene, and an ethylene polymer having a density ranging from [greater than 0.94 to about 0.97] 0.941 to 0.952 grams/cubic centimeter and a melt flow index of greater than 10 g/10 minutes, said ethylene polymer comprising at least one member selected from ethylene/alpha-olefin copolymer, ethylene homopolymer, and blends thereof;

b. adding a physical blowing agent to said blend; and

c. causing said blowing agent to expand within said blend, thereby forming a foam, whereby, said foam has a density ranging from about 10 to about 160 kg/m^3.

16. (Amended) A foam, comprising a blend of a low density polyethylene and an ethylene polymer having a density ranging from greater than 0.94 to about 0.97 grams/cubic centimeter and a melt flow index ranging from [about] 23 to [about] 69 g/10 minutes, said ethylene polymer comprising at least one member selected from ethylene/alpha-olefin copolymer, ethylene homopolymer, and blends thereof.

In addition, new claim 18 has been added.